



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष २, अंक २८]

शुक्रवार, ऑगस्ट २६, २०१६/भाद्र. ४, शके १९३८

[पृष्ठे १६ किंमत : रुपये ११.००

असाधारण क्रमांक ३९

प्राधिकृत प्रकाशन

नगर विकास विभाग

मंत्रालय, मुंबई ४०००३२, दिनांक २३ ऑगस्ट २०१६.

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्रमांक टिपीबी. ४३१३/४००/प्र.क्र.१०४/२०१६/नवि-११.— ज्याअर्थी, बृहन्मुंबई क्षेत्राची विकास नियंत्रण नियमावली (यापुढे ज्याचा उल्लेख “ उक्त विनियम ” असा करण्यात आला आहे.), शासन नगरविकास विभागाकडील अधिसूचना क्र. डिसीआर/१०९०/आरडीपी/नवि-११, दिनांक २० फेब्रुवारी १९९१ अन्वये महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६(यापुढे ज्याचा उल्लेख “ उक्त अधिनियम ” असा करण्यात आला आहे.) च्या कलम ३१(१) खालील तरतुदीनुसार मंजूर झालेली असून दिनांक २५ मार्च १९९१ पासून अंमलात आलेली आहे ;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ३३(९) मध्ये मुंबई बेटावरील शहरातील उपकर प्राप्त इमारतींची पुनर्बांधणी किंवा पुनर्विकास/ नागरी नूतनीकरण योजना विस्तृत क्षेत्रासाठी राबविणेची तरतूद आहे ;

आणि ज्याअर्थी, शासनाच्या नगरविकास विभागाकडील अधिसूचना क्र. टिपीबी. ४३०७/२३४६/प्र.क्र.१०६/२००८/नवि-११, दिनांक २ मार्च २००९ अन्वये जुना विनियम ३३(९) ऐवजी पर्यायी नवीन विनियम ३३(९) परिशिष्ट III अे सह अंतर्भूत केला होता, ज्यामध्ये मुंबई बेट शहरामधील प्रत्येक क्लस्टरचे क्षेत्रफळ किमान ४०००.०० चौ.मी. असणे गरजेचे आहे व त्याच्या हद्दी अस्तित्वातील भौगोलिक सीमारेषा म्हणजे रस्ते, नाले, रेल्वेमार्ग इत्यादीने विहित असणे आवश्यक आहे आणि परिशिष्ट III अे मध्ये नमूद असलेप्रमाणे विविध प्रकारच्या संमिश्र इमारतींचा समावेश राहणार आहे ;

आणि ज्याअर्थी, शासनाच्या नगरविकास विभागाकडील अधिसूचना क्र. टिपीबी. ४३१३/प्र.क्र.१८५/२०१३/नवि-११, दिनांक ९ सप्टेंबर २०१४ अन्वये उपरोक्त अधिसूचना दिनांक २ मार्च २००९ नुसार विनियम ३३(९) ऐवजी पर्यायी नवीन विनियम ३३(९) चा अंतर्भाव नवीन परिशिष्ट III अे सह करण्यात आला आहे ;

आणि ज्याअर्थी, शासनाच्या गृहनिर्माण विभागाच्या शासन निर्णय क्र.वि.वि.चा.-२००७/प्र.क्र.५१(भाग-१)/गृनिप, दिनांक ३० मार्च २०१६ अन्वये मुंबई विकास विभागाने बांधलेल्या वरळी, नायगाव, ना. म. जोशी मार्ग व शिवडी येथील चाळींचा पुनर्विकास करणेसाठी विशेष विनियम अंतर्भूत करणेबाबत निर्णय घेतलेला आहे ;

आणि ज्याअर्थी, उक्त उल्लेखिलेल्या दिनांक ३० मार्च २०१६ रोजीच्या शासन निर्णयान्वये नोडल यंत्रणा म्हणून नियुक्त केलेल्या म्हाडा ने नागरी नूतनीकरण योजनेच्या संकल्पनेवर प्रारूप विनियम तयार करुन ते उक्त विनियमामध्ये अंतर्भूत करणेसाठी शासन नगरविकास विभागास गृहनिर्माण विभागामार्फत विनंती केलेली आहे व त्यास गृहनिर्माण विभागाची आवश्यक सहमती/अभिप्राय प्राप्त करुन घेण्यात आलेले आहेत ;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ३३(९) मध्ये यासोबतच्या परिशिष्टामध्ये नमूद असलेप्रमाणे नवीन नियम क्र. ३३(९) (बी) समाविष्ट करणेसाठी फेरबदल (यापुढे याचा उल्लेख “ प्रस्तावित फेरबदल ” असा केलेला आहे) सार्वजनिक हितास्तव तातडीने करणे आवश्यक झालेले आहे;

(१)

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१ कक) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करुन, शासन याद्वारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट-कलम (१ कक) चे खंड (ख) नुसार कोणत्याही व्यक्तीकडून सदरची सूचना शासन **राजपत्रामध्ये** प्रसिद्ध झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये सूचना/हरकती मागविण्यासाठी, सूचना प्रसिद्ध करीत आहे ;

शासनाकडून असेही कळविण्यात येत आहे की, प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती/सूचना शासन **राजपत्रात** सदर सूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक महिन्याच्या आत उप संचालक, नगररचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई-ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उप संचालक, नगररचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होणाऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१ कक) अन्वये कार्यवाही करण्यात येईल.

परिशिष्ट

New Regulation 33(9)(B) is proposed to be inserted as follows :-

33(9) (B) : Reconstruction or Redevelopment of Cluster of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi under Urban Renewal Scheme(s).

For reconstruction or Redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by the Planning Authority, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers certified by Competent Authority appointed by Government for this purpose, plus Incentive FSI as per the provisions of Appendix-III-B, whichever is more.

Appendix-III-B

1. Regulation for Reconstruction or Redevelopment of Cluster(s) of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi by implementing Urban Renewal Scheme(s).

1.1 “Urban Renewal Scheme” (URS) of BDD Chawls means a scheme for redevelopment of the cluster of buildings and structures constructed by Bombay Development Division in the Island City of Mumbai, at four locations and boundaries of the area (as per maps enclosed) hereinafter referred to as “Urban Renewal Cluster or URC ” shall be a cluster identified for urban renewal :-

(2) Under the Development Plan (DP) , where the DP contains such well defined Clusters;
or

(4) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Officer appointed by the Planning Authority, who may revise the same as and when required; or

(5) By Planning Authority, where such clusters of BDD Chawls are not shown on the DP and the URP is yet to be prepared :

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Officer appointed by the Planning Authority without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation.—

1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.
2. In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the Cluster may be decided by the Officer appointed by the Planning Authority.

1.2 The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as,—

- (i) Cessed buildings in Island City, which attract the provisions of MHAD, Act, 1976.
- (iv) (a) Buildings at least 30 years of age and acquired by MHADA, under MHAD Act, 1976.
- (b) Authorized buildings at least 30 years of age constructed by Bombay Development Division (BDD).

Explanation.—Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Officer appointed by the Planning Authority and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the PWD.

(v) (a) Buildings belonging to the State Government and Central Government.

(b) Any land belonging to the State Government, any semi-Government Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt., the State Government, Semi-Government Organizations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural / sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by Planning Authority.

(v) All dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment) Act, 1971, existing prior 1st January 2000.

Explanation.—If some areas are previously developed/ or are in the process of development under different provisions of the DCR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed.

2. Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)

(A) For Buildings.—

(i) No new tenancy created after 13th June 1996 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while computing existing FSI. A certified inspection extract of the Competent Authority/MCGM prior to 13th June 1996 and certification by Competent Authority appointed by Government for this purpose as decided by GR dated 30th March 2016 proving the existence of tenements prior to 13th June 1996 shall be considered adequate evidence to establish the number of tenements and tenants/occupants of such tenements. However, the Government in Housing Department, if necessary may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

(ii) The list of eligible tenants and the area occupied by each of them in BDD Chawls shall be certified by the Competent Authority appointed by Government for this purpose.

(B) For Dwelling Structures(other than tenements in B.D.D. Chawls buildings)

(i) Dwelling Structures means all dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment) Act, 1971, existing prior 1st January 2000.

(ii) The eligibility of the participants will be certified by the Competent Authorities appointed by Government.

(iii) The eligibility of such occupiers including transferee under this project shall be established in accordance with Chapter 1-B of Maharashtra Slum Area (Improvement, Clearance, Redevelopment) Act, 1971 and orders issued there under.

3. Rehabilitation Entitlements.—

(iii) Each certified residential tenant/occupant shall be rehabilitated and given on ownership basis, a tenement of Carpet area 46.45 Sq.mtr. This shall be inclusive of everything i.e. fungible FSI and all other entitlements.

(iv) Eligible Religious structure /Eligible onsite amenities/Eligible any other non-residential structure shall be given existing carpet area or as decided by the Government.

4. Total Permissible FSI for URS.—

(a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 on gross plot area, but excluding the reservations/designations, Road set back, area under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCR 35 (4).

(e) The FSI for Urban Renewal Schemes in CRZ area shall be governed by the MOEF Notifications issued from time to time.

(f) The incentive FSI admissible against the FSI required for rehabilitation, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs./Sqm., of the lands included in the Urban Renewal Cluster, as per the Annual Statement of Rates (ASR) and Rate of Construction (RC)* in Rs./Sqm., applicable to the area as per the ASR and shall be given as per the Table-B below :—

Basic Ratio (LR/RC)*	Incentive (As % of Admissible Rehabilitation Area)		
	For 0.4 ha. to 1.0 ha.	For 1.0 ha. to 5.0 ha.	For 5.0 ha. to 10.0 ha.
Above 6.00	55%	60%	65%
Above 4.00 and upto 6.00	65%	70%	75%
Above 2.00 and upto 4.00	75%	80%	85%
Upto 2.00	85%	90%	95%

Explanation.—

(i) *RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority and Inspector General of Registration, Maharashtra State in the Annual Statement of Rates.

Provided further that in case there are more than one land rates applicable to different parts of the plot under the Urban Renewal Scheme, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

(g) “ tolerated structures ” encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation.—The term “tolerated structure” means the structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively.

(e) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases. The development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban Renewal Scheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with pro rata utilization of the total admissible FSI for rehab and incentive component simultaneously.

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be as decided by the Planning Authority.

5. Development of DP Reservations.—

Construction or reconstruction of slums / buildings falling under Reservations contemplated in the Development Plan shall be permissible as under :—

(a) Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.

(b) Any land under non-buildable reservations, admeasuring only up to 500 sq.mt. may be cleared by shifting the existing tenants from that site.

(c) If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to Planning Authority, subject to a minimum of 500 sq.mt. and the remaining land shall be allowed for development. The said provision is subject to the Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Government of Maharashtra)

(d) All the reservations in the Development Plan shall be rearranged/relocated, if necessary, with the same area and the same width of access road or as required under DCR, whichever is more.

(e) For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Officer appointed by the Planning Authority. Such built up area to be handed over shall be free of FSI.

(f) For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Planning Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks/plot depending on the area and nature of such reservations and Officer appointed by the Planning Authority may permit composite development of reservations in case of such reservations. The vacant plot of DP reservation shall be allowed for residential development, if the BUA of DP reservation is amalgamated and constructed on one or more block/plot. However, if the Empowered Committee requires built-up area under any designation /reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation FSI, and Free sale FSI as admissible under this Regulation shall be permissible.

(g) Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.

(h) No premium shall be charged for the fungible FSI admissible as per Regulation 35 (4) for total FSI.

6. 30% of the Incentive FSI can be used for non-residential purposes as otherwise permissible under the DCR.

7. A Surcharge on Development at the rate of 100% of Development charge otherwise applicable subject to a minimum of Rs 5000 per Sqm. for the builtup area over and above the zonal permissible FSI, for the rehabilitation and incentive sale component, shall be leviable in respect of any URS by the MCGM. in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster.

This surcharge shall not be applicable to the built up area to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the Empowered Committee.

8. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Planning Authority up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these Development Control

Regulations. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Officer appointed by the Planning Authority for the reconstructed building. Till the transit camps are fully demolished, the Officer appointed by the Planning Authority shall not release FSI for the Incentive component area under the URS in excess of 75% of the total admissible Incentive FSI.

9. In the case of specific designations/reservations in the Development Plan, the Officer appointed by the Planning Authority, may shift, interchange the designation/reservation in the same cluster, to which an access is available from peripheral or outer road or has to be provided and the same is not encumbered, provided that the area of such designation /reservation is not reduced.

10. Non conforming Activities.— All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Planning Authority.

11. Relaxation in Building and other requirements.—

In case of tenements of 46.45 sq.mtr. carpet area including fungible area for rehabilitation or tenements to be handed over to the Planning Authority, the following shall be applicables

Provided that for computation of Incentive F.S.I., net area after deduction of fungible area shall be taken into account.

11.1 Calculation of FSI for all purposes shall be on gross area of the URS i.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical recreational open space, to be kept on the site as per prevailing D.C. Regulations

11.2 The provision in Regulation 38(22) relating to balcony shall apply to the URS with the following specifications :—

Balcony shall not reduce marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m clear margin shall be maintained.

11.3 Notwithstanding anything contained in Regulation 35(4) of the DCR, areas of common passages not exceeding 2.0 mt. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and Planning Authority component shall not be counted towards FSI.

11.4 Front and marginal open spaces, for a building having height up to 24.0 m. in the rehabilitation component or a composite building, shall be 4.5 m :

Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

11.5 Notwithstanding the provisions in Regulation 29 (Table 10) where the location of the URC plot abuts a DP Road having width of 18.3 mt. and above. The front marginal open space shall not be insisted upon beyond 4.5 mt. provided, such road is not an Express Highway or a road wider than 52 mt.

11.6 Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 4.5 mt. from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever is greater.

11.7 The distance between any two rehabilitation buildings shall not be less than 6.00 mt.

11.8 If the height of any building constructed under URS is more than 24 mt., marginal open space of 6 mt. or as required by CFO whichever is greater shall be maintained

11.9 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and incentive FSI components, without charging any premium, in relaxation of the stipulation in Regulation No. 23.

11.10 Pathways and Means of Access.—The ratio between the length of the pathway and the width thereof shall be as follows :—

Length	Width
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11.15 In order to make the Urban Renewal Scheme viable, the Officer appointed by the Planning Authority shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However, the Govt. or Empowered Committee shall have the power to relax any of the provisions in these Regulations.

11.16 All relaxations outlined hereinabove shall be admissible to entire project area under the URS. Premium shall not be charged for all or any of the relaxations given hereinabove or for any other relaxations mentioned in Regulation 35(2)(iv).

11.17 The parking in the scheme shall be provided as per Regulation No. 36.

12. The approving / sanctioning authority for the building plans under the URS shall be the Officer appointed by the Planning Authority as per the MRTP Act, 1966 even if the URS partly consists/ of declared slums / slums on Municipal / Govt. lands existing prior to 1st January 2000 or such/ other reference date notified by the Government.

13. Religious structures existing on the site of URS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Government from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

14. Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years. Transfer fee and period for tenants and other beneficiary shall be as decided by Government.

15. *Corpus Fund.*—A Corpus fund shall be created by the Planning Authority as directed by the Empowered Committee, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

16. If Empowered Committee as per Government GR dated 30th March 2016 approves areas for amenities such as Fire Stations / Hospitals / Police Stations/ Schools etc. other than the reservations / designations under the Development Plan, such amenities shall be handed over to the Planning Authority free of cost and the built up area of such amenity shall be considered towards rehabilitation FSI, and Incentive FSI as admissible under this Regulation shall be permissible.

17. Upon the recommendation by Planning Authority, the Empowered Committee constituted vide GR dated 30th March 2016 shall be competent to approve the schematic plans of Urban Renewal Schemes under this Regulation. On approval by the Empowered Committee, the Officer appointed by the Planning Authority shall sanction the final plans of URS :

Provided that no Urban Renewal Scheme shall be sanctioned by the Empowered Committee as per GR dated 30th March 2016 without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix.

सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर प्रसिद्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

किशोर द. गिरोल्ला,
शासनाचे अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Mumbai 400 032. dated 23rd August 2016.

Notice

THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB. 4316/400/CR-104/2016/UD-11.—Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as “the said Regulations or the DCR ”) have been sanctioned by the Government in the Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) *vide* Notification No. DCR. 1090/RDP/UD-11, dated 20th February 1991 so as to come into force with effect from 25th March 1991;

And whereas, the Regulation 33(9) of the said Regulations deals with reconstruction or redevelopment of Cessed Buildings / Urban Renewal Schemes on extensive areas in the Island City of Mumbai;

And whereas, the Government in the Urban Development Department *vide* Notification No. TPB. 4307/2346/CR-106/2008/UD-11, dated 2nd March 2009 has substituted old Regulation 33(9) by a new Regulation 33(9), adding Appendix-III-A under the said new Regulation 33(9) so as to allow redevelopment in the Island City of the Mumbai over clusters, each of which has a minimum area of 4000 sq.mtrs., bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. and which consists of a mix of structures of different characteristics as provided in the said Appendix-III A;

And whereas, the Government in the Urban Development Department *vide* Notification No. TPB. 4313/CR-185/2013/UD-11 Dated 9th September 2014 has substituted the Regulation 33(9) inserted by above mentioned Notification dated 2nd March 2009 by a new Regulation 33(9) with new Appendix-III-A;

And whereas, the Government in Housing Department *vide* G.R. No. विविचा. २००७/प्र.क्र. ५१(भाग-१)/गृनिप dated 30th March 2016 has taken a decision to incorporate special regulations for redevelopments of Bombay Development Division's Chawls at Worli, Naigaon, N. M. Joshi Marg, Shivadi;

And whereas, the MHADA being a Nodal Agency appointed under aforesaid G.R. dated 30th March 2016 has proposed the draft regulations based on concept of Urban Renewal Scheme and requested the Urban Development Department through Housing Department, to incorporate the special regulations in the said Regulations, on which necessary concurrence/remarks are obtained from the Housing Department.

And whereas, in the public interest it is necessary to urgently carry out suitable modification to the Regulation 33(9) of the said Regulations, so as to include new regulation No. 33(9)(B) as specifically described in the Schedule appended hereto (hereinafter referred to as “the proposed modification”).

Now, therefore, after considering the above facts and circumstances and in exercise of powers vested in it under sub-section (1AA) of section 37 of the said Act, and all other powers enabling it in this behalf, the Government hereby publishes a Notice for inviting suggestions and objections from any person with respect to proposed modification, as required by clause (a) of sub-section (1AA) of section 37 of the said Act, within a period of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*.

Any objections/ suggestions in respect of the proposed modification may be forwarded before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of section 37 of the said Act.

Schedule

New Regulation 33(9)(B) is proposed to be inserted as follows :—

33(9) (B) : Reconstruction or redevelopment of Cluster of BDD Chawls at Naigaon, Worli, N. M. Joshi Marg and Shivdi under Urban Renewal Scheme(s).

For reconstruction or redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by the Planning Authority, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers certified by Competent Authority appointed by Government for this purpose, plus Incentive FSI as per the provisions of Appendix-III-B, whichever is more.

Appendix-III-B

1. Regulation for Reconstruction or Redevelopment of Cluster(s) of BDD Chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi by implementing Urban Renewal Scheme(s).

1.1 “Urban Renewal Scheme” (URS) of BDD Chawls means a scheme for redevelopment of the cluster of buildings and structures constructed by Bombay Development Division in the Island City of Mumbai, at four locations and boundaries of the area (as per maps enclosed) hereinafter referred to as “ Urban Renewal Cluster or URC ” shall be a cluster identified for urban renewal :—

(1) Under the Development Plan (DP) , where the DP contains such well defined Clusters;
or

(2) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Officer appointed by the Planning Authority, who may revise the same as and when required; or

(3) By Planning Authority, where such clusters of BDD Chawls are not shown on the DP and the URP is yet to be prepared.

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Officer appointed by the Planning Authority without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation.— 1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

2 In specific cases where URS is not bounded by roads, nallas and railway lines, the boundary of the Cluster may be decided by the Officer appointed by the Planning Authority.

1.2 The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as,—

(i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.

(b) Authorized buildings at least 30 years of age constructed by Bombay Development Division (BDD).

Explanation.— Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Officer appointed by the Planning Authority and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the PWD.

(iii) (a) Buildings belonging to the State Government and Central Government.

(b) Any land belonging to the State Government, any Semi-Government Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II :

Provided that in case of buildings or lands belonging to the Central Government the State Government, Semi-Government Organizations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural / sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by Planning Authority.

(v) All dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment) Act, 1971, existing prior 1-1-2000.

Explanation.—If some areas are previously developed/ or are in the process of development under different provisions of the DCR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed.

2. Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)

(A) For Buildings —

(i) No new tenancy created after 13th June 1996 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while computing existing FSI. A certified inspection extract of the Competent Authority/MCGM prior to 13th June 1996 and certification by Competent Authority appointed by Government for this purpose as decided by GR dated 30th March 2016 proving the existence of tenements prior to 13th June 1996 shall be considered adequate evidence to establish the number of tenements and tenants/occupants of such tenements. However, the Government in Housing Department, if necessary may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

(ii) The list of eligible tenants and the area occupied by each of them in BDD Chawls shall be certified by the Competent Authority appointed by Government for this purpose.

(B) For Dwelling Structures(other than tenements in B.D.D. Chawls buildings)

(i) Dwelling Structures means all dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment) Act, 1971, existing prior 1-1-2000.

(ii) The eligibility of the participants will be certified by the Competent Authorities appointed by Government.

(iii) The eligibility of such occupiers including transferee under this project shall be established in accordance with Chapter 1-B of Maharashtra Slum Area (Improvement, Clearance , Redevelopment) Act, 1971 and orders issued there under.

3. Rehabilitation Entitlements.—

(i) Each certified residential tenant/occupant shall be rehabilitated and given on ownership basis, a tenement of Carpet area 46.45 Sq.mtr. This shall be inclusive of everything i.e. fungible FSI and all other entitlements.

(ii) Eligible Religious structure /Eligible onsite amenities/Eligible any other non-residential structure shall be given existing carpet area or as decided by the Government.

4. Total Permissible FSI for URS.—

(a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 on gross plot area, but excluding the reservations/designations, Road set back, area under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCR 35 (4).

- (b) The FSI for Urban Renewal Schemes in CRZ area shall be governed by the MOEF Notifications issued from time to time.
- (c) The incentive FSI admissible against the FSI required for rehabilitation, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/Sqm., of the lands included in the Urban Renewal Cluster, as per the Annual Statement of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm., applicable to the area as per the ASR and shall be given as per the Table-B below :—

Basic Ratio (LR/RC)*	Incentive (As % of Admissible Rehabilitation Area)		
	For 0.4ha to 1.0 ha.	For 1.0 ha to 5.0 ha	For 5.0 ha to 10.0 ha.
Above 6.00	55%	60%	65%
Above 4.00 and upto 6.00	65%	70%	75%
Above 2.00 and upto 4.00	75%	80%	85%
Upto 2.00	85%	90%	95%

Explanation.—

(i) *RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority and Inspector General of Registration, Maharashtra State in the Annual Statement of Rates.

Provided further that in case there are more than one land rates applicable to different parts of the plot under the Urban Renewal Scheme, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

(d) “tolerated structures” encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

*Explanation.—*The term “tolerated structure” means the structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively.

(e) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases. The development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban Renewal Scheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with pro rata utilization of the total admissible FSI for rehab and incentive component simultaneously.

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be as decided by the Planning Authority .

5. Development of DP Reservations.—

Construction or reconstruction of slums / buildings falling under Reservations contemplated in the Development Plan shall be permissible as under.

(a) Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.

(b) Any land under non-buildable reservations, admeasuring only up to 500 sq.mt. may be cleared by shifting the existing tenants from that site.

(c) If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to Planning Authority, subject to a minimum of 500 sq.mt. and the remaining land shall be allowed for development. The said provision is subject to the Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Government of Maharashtra).

(d) All the reservations in the Development Plan shall be rearranged/relocated, if necessary, with the same area and the same width of access road or as required under DCR, whichever is more.

(e) For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Officer appointed by the Planning Authority. Such built up area to be handed over shall be free of FSI.

(f) For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Planning Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks/plot depending on the area and nature of such reservations and Officer appointed by the Planning Authority may permit composite development of reservations in case of such reservations. The vacant plot of DP reservation shall be allowed for residential development, if the BUA of DP reservation is amalgamated and constructed on one or more block/plot. However, if the Empowered Committee requires builtup area under any designation /reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation FSI, and Free sale FSI as admissible under this Regulation shall be permissible.

(g) Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.

(h) No premium shall be charged for the fungible FSI admissible as per Regulation 35 (4) for total FSI.

6. 30% of the Incentive FSI can be used for non-residential purposes as otherwise permissible under the DCR.

7. A Surcharge on Development at the rate of 100% of Development charge otherwise applicable subject to a minimum of Rs. 5000 per Sqm. for the builtup area over and above the zonal permissible FSI, for the rehabilitation and incentive sale component, shall be leviable in respect of any URS by the MCGM. In accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster.

This surcharge shall not be applicable to the built up area to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the Empowered Committee.

8. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Planning Authority up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these Development Control Regulations. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Officer appointed by the Planning Authority for the reconstructed building. Till the transit camps are fully demolished, the Officer appointed by the Planning Authority shall not release FSI for the Incentive component area under the URS in excess of 75% of the total admissible Incentive FSI.

9. In the case of specific designations/reservations in the Development Plan, the Officer appointed by the Planning Authority, may shift, interchange the designation/reservation in the same cluster, to which an access is available from peripheral or outer road or has to be provided and the same is not encumbered, provided that the area of such designation /reservation is not reduced.

10. *Non conforming Activities.*—All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Planning Authority.

11. *Relaxation in Building and other requirements.*—In case of tenements of 46.45 sq.mtr. carpet area including fungible area for rehabilitation or tenements to be handed over to the Planning Authority, the following shall be applicable.

Provided that for computation of Incentive F.S.I., net area after deduction of fungible area shall be taken into account.

11.1 Calculation of FSI for all purposes shall be on gross area of the URS *i.e.* without deducting any percentage for recreational open space. This shall not affect the requirement of physical recreational open space, to be kept on the site as per prevailing D.C. Regulations.

11.2 The provision in Regulation 38(22) relating to balcony shall apply to the URS with the following specifications :—

Balcony shall not reduce marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m. clear margin shall be maintained.

11.3 Notwithstanding anything contained in Regulation 35(4) of the DCR, areas of common passages not exceeding 2.0 mt. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and Planning Authority component shall not be counted towards FSI.

11.4 Front and marginal open spaces, for a building having height up to 24.0 m. in the rehabilitation component or a composite building, shall be 4.5 m.

Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

11.5 Notwithstanding the provisions in Regulation 29 (Table 10) where the location of the URC plot abuts a DP Road having width of 18.3 mt. and above. The front marginal open space shall not be insisted upon beyond 4.5 mt. provided, such road is not an Express Highway or a road wider than 52 mt.

11.6 Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 4.5 mt. from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever is greater.

11.7 The distance between any two rehabilitation buildings shall not be less than 6.00 mt.

11.8 If the height of any building constructed under URS is more than 24 mt., marginal open space of 6 mt. or as required by CFO whichever is greater shall be maintained.

11.9 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and incentive FSI components, without charging any premium, in relaxation of the stipulation in Regulation No. 23.

11.10 Pathways and Means of Access.—The ratio between the length of the pathway and the width thereof shall be as follows :—

Length	Width
Upto 20 Mtrs.	1.5 Meters.
21 to 30 Mtrs.	2.0 Meters.
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Provided that no Urban Renewal Scheme shall be sanctioned by the Empowered Committee as per GR dated 30th March 2016 without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix.

This Notice shall also be available on the Government of Maharashtra website : www.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,

KISHOR D. GIROLLA,
Under Secretary to Government.